

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

v.

No. CIV 11-567 RHS/LFG

\$5,600.00 in U.S. CURRENCY,

Defendant.

RUSSELL ALLEN RANKIN and  
MIKAELA RANKIN,

Claimants.

**JUDGMENT**

THIS MATTER is before the Court *sua sponte*. On February 10, 2012, the Court entered an Order to Show Cause [Doc. 25], requiring Claimant Mikaela Rankin (“Rankin”) to show cause, if any she had, why judgment should not be entered against her as a result of certain failings. For example, the Court earlier set a Rule 16 settlement conference to take place on February 10, 2012. The parties were directed to submit confidential position papers to the court by February 3, 2012. The United States complied with the Court’s requirements, but Rankin neither submitted a position paper to the Court nor appeared for the scheduled settlement conference. Rankin did not notify the Court in advance of the settlement conference that she would not attend or that she had a scheduling conflict. The Court was forced to vacate the proceeding due to Rankin’s absence.

In addition, counsel for the United States advised the Court it served Rankin with interrogatories on January 12, 2012, but that she failed to respond to the interrogatories or state any objections to the discovery by the deadline and failed to request additional time to serve objections

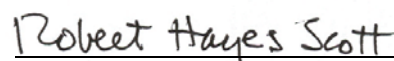
or responses. On multiple occasions, counsel for the United States left Rankin telephone voice messages concerning this case, but she did not return any of the calls.

With respect to this Order to Show Cause, Rankin failed to submit a written response, as required, by the deadline of February 24, 2012. Rankin did not request any extension of time to file a response. The Court, in accordance with Ehrenhaus v. Reynolds, 965 F.2d 916, 920 (10<sup>th</sup> Cir. 1992) [Doc. 25, at 2], expressly warned Rankin that failure to respond to the Court's Order to Show Cause would result in the entry of judgment against her. [Id.]

The United States filed its initial complaint *for forfeiture in rem* against \$6,260.00 [Doc. 1] on June 27, 2011 and its amended complaint against \$5,600.00 [Doc. 3] on June 28, 2011. On August 24, 2011, Mikaela Rankin filed an answer stating she was the only person with a legitimate claim and interest in Defendant Currency. [Doc. 6.] She asked that the complaint be dismissed and that the currency at issue be returned to her. [Id.] On December 7, 2011, the Court entered Partial Default Judgment in favor of the United States with respect to any interest Claimant Russell Allen Rankin might have in Defendant Currency. [Doc. 14.] Since the date of her August 24, 2011 Answer, Mikaela Rankin has not filed any pleadings in this proceeding.

Due to Rankin's abandonment of her claim by her non-compliance with Court orders and directives, as described above, the Court concludes that judgment will be entered in favor of Plaintiff United States as to any claims Mikaela Rankin had in the Defendant Currency.

IT IS THEREFORE ORDERED that judgment is entered in favor of Plaintiff and that all right, title and interest by Mikaela Rankin in the Defendant Currency is forfeited to the United States and title thereto is vested in the United States.

  
Robert H. Scott  
United States Magistrate Judge